Canada (Upper Canada, 1791-1840).
House of Assembly
(7)

MESSAGES

FROM

HIS EXCELLENCY THE GOVERNOR GENERAL,

ON THE SUBJECT OF THE

RE-UNION OF THE PROVINCES

OF

UPPER & LOWER CANADA,

TOGETHER WITH THE

RESOLUTIONS OF THE HOUSE OF ASSEMBLY,

AND THE AMENDMENTS THERETO;

AND THE

Yeas and Nays thereon—the Address to His Excellency—and His Reply.

TORONTO:

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MESSAGES

From His Excellency the Governor General on the subject of the re-union of the Provinces of Upper and Lower Canada; together with the Resolutions of the House of Assembly and the Amendments thereto---and the Yeas and Nays thereon---the Address to His Excellency and his Reply.

HOUSE OF ASSEMBLY.

Saturday, 7th December, 1839.

The following Message was sent down by His Excellency the Governor General:—

TRANSMITTED 7TH DECEMBER, 1839.

C. POULETT THOMSON.

In pursuance of the intention expressed in his Speech from the Throne, the Governor General desires now to bring under the consideration of the House of Assembly, the subject of the Reunion of this Province with Lower Canada, recommended by Her Majesty in Her Gracious Message to both Houses of Parliament on the 3rd of May last.

For several years the condition of the Canadas has occupied a large portion of the attention of Parliament. That they should be contented and prosperous—that the ties which bind them to the Parent State should be strengthened—that their administration should be conducted in accordance with the wishes of the people, is the ardent desire of every British Statesman—and the experience of the last few years amply testifies that the Imperial Parliament has been sparing neither of the time it has devoted to the investigation of their affairs nor of the expenditure it has sanctioned for their protection.

The events which have marked the recent history of Lower Canada, are so familiar to the House of Assembly that it is unnecessary for the Governor-General further to allude to them. There, the Constitution is suspended, but the powers of the Government are inadequate to permit of the enactment of such permanent Laws as are required for the benefit of the People.

Within this Province the Finances are deranged—public improvements are suspended—private enterprize is checked—the tide of emigration, so essential to the prosperity of the country and to the British connection, has ceased to flow—while, by many, the general system of Government is declared to be unsatisfactory.

After the most attentive and anxious consideration of the state of these Provinces and of the difficulties under which they respectively labour, Her Majesty's Advisers came to the conclusion, that by their Reunion alone could those difficulties be removed. During the last Session of the Imperial Legislature they indeed refrained from pressing immediate legislation, but their hesitation proceeded from no doubt as to the principle of the measure or its necessity. It arose solely from their desire to ascertain more fully the opinions of the Legislature of Upper Canada, and to collect information from which the details might be rendered more satisfactory to the people of both Provinces.

The time then is now arrived beyond which a settlement cannot be postponed. In Lower Canada it is indispensable to afford a safe and practicable return to a Constitutional Government, and so far as the feelings of the inhabitants can be there ascertained the measure of the Reunion meets with approbation.

In Upper Canada it is no less necessary to enable the Province to meet her Financial embarrassments and to proceed in the developement of her natural resources. There are evidently no means in this Province of fulfilling the pecuniary obligations which have been contracted but by a great increase in the Local Revenues. But so long as Lower Canada remains under her present form of Government neither Province possesses any power over the only source from which that increase can be drawn. Nor even, were it possible to restore a Representative Constitution to Lower Canada, unaccompanied by the Union, would the position of this Province be much improved; since past experience has shewn the difficulty of procuring assent to any alteration of the Customs Laws suggested from hence.

This Province has engaged in undertakings which reflect the highest honour on the enterprize and industry of her inhabitants. The public works which she has completed or commenced have been conceived in a spirit worthy of a successful result. But additional means are indispensable to avert the ruin of some, and secure the completion of others. Nor will that alone suffice; Lower Canada holds the key to all those improvements. Without her co-operation, the navigation for which nature has done so much, for which this Province has so deeply burthened itself, must remain incomplete, and a barrier be opposed to the developement of those great natural resources which the hand of Providence has so lavishly bestowed on this country.

With a view to remove all those difficulties; to relieve the financial embarrassments of Upper Canada; to enable her to complete her Public Works; and develope her agricultural capabilities;—to restore Constitutional Government to Lower Canada; to establish a firm, impartial, and vigorous Government for both; and to unite the people within them in one common feeling of attachment to British Institutions and British Connexion, the Union is desired by Her Majesty's Government; and that measure alone, if based upon just principles, appears adequate to the occasion.

Those principles in the opinion of Her Majesty's advisers are; a just regard to the claims of either Province in adjusting the terms of the Union—the maintenance of the three Estates of the Provincial Legislature;—the settlement of

a permanent Civil List for securing the independence of the Judges, and to the Executive Government that freedom of action which is necessary for the Public good;—and the establishment of a system of Local Government adapted to the wants of the people.

It was with great satisfaction then that Her Majesty's Government learnt that upon the question of the Union itself, the House of Assembly had pronounced their decided judgment during their last Session, and it will only remain for the Governor-General now to invite their assent to the terms upon which it is sought to be effected. Their decision was indeed accompanied by recommendations to which the Government could not agree, but the Governor-General entertains no doubt that under the altered circumstances they will no more be renewed. It will be for the Imperial Parliament guided by their intimate knowledge of Constitutional Law, and, free from the bias of local feelings and interests, to arrange the details of the measure.

The first of the terms of Reunion, to which the Governor General desires the assent of the House of Assembly, is the equal Representation of each Province in the United Legislature. Considering the amount of the population of Lower Canada, this proposition might seem to place that Province in a less favourable position than Upper Canada. But, under the circumstances in which this Province is placed, with the increasing population to be expected from immigration, and having regard to the Commercial and Agricultural enterprize of its inhabitants, an equal apportionment of Representation appears desirable.

The second stipulation to be made is the grant of a sufficient Civil List.—The propriety of rendering the Judicial Bench independent alike of the Executive and of the Legislature, and of furnishing the means of carrying on the indispensable services of the Government, admits of no question, and has been affirmed by the Parliament of Upper Canada in the Acts passed by them for effecting those objects. In determining the amount of the Civil List the House of Assembly may be assured that the salaries and expenses to be paid from it will be calculated by Her Majesty's Government with a strict regard to economy and the state of the Provincial Finances.

Thirdly, the Governor General is prepared to recommend to Parliament, that so much of the existing debt of Upper Canada as has been contracted for Public Works of a general nature should, after the Union, be charged on the joint Revenue of the United Province. Adverting to the nature of the Works for which this debt was contracted, and the advantage which must result from them to Lower Canada, it is not unjust that that Province should bear a proportion of their expenses.

On these principles the Governor-General is of opinion that a Reunion of the two Provinces may be effected—equitable and satisfactory in its terms—and beneficial in its results to all classes. He submits them to the consideration of the House of Assembly in the full conviction of their importance, and in the hope that they will receive the assent of that House. Fortified by the expression of their opinion Her Majesty's Government and Parliament will be able at once to apply themselves to the full developement of the scheme, and to the

consideration of the provisions by which it may be carried into effect with the greatest advantage to the people of both Provinces.

If in the course of their proceedings the House of Assembly should desire any information which it is in the power of the Governor-General to afford, they will find him ready and anxious to communicate with them frankly and fully, and to aid by all the means in his power that settlement on which he firmly believes that the future prosperity and advancement of these Colonies mainly depend."

Ordered—That the Message of His Excellency the Governor General, on the subject of the Union of the Provinces of Upper and Lower Canada, be referred to a Committee of the whole House, on Tuesday next, and that it be the first item on the order of the day.

Wednesday, December 11th, 1839.

The House addressed His Excellency the Governor General for information respecting the proposed Re-union of the Provinces of Upper and Lower Canada,—also, for copy of the Bill proposed by Her Majesty's Government to the Imperial Parliament on that subject, as follows :—

To His Excellency the Right Honourable CHARLES POULETT THOMSON, *one of Her Majesty's most Honourable Privy Council, Governor General of British North America, and Captain General and Governor-in-Chief in and over the Provinces of Lower Canada and Upper Canada, Nova Scotia, New Brunswick and the Island of Prince Edward, and Vice Admiral of The same.*

MAY IT PLEASE YOUR EXCELLENCY :

We, Her Majesty's dutiful and loyal subjects, the Commons of Upper Canada, in Provincial Prliament assembled, humbly request that Your Excellency will be pleased to inform this House, whether Your Excellency is possessed of any information which you can communicate relative to the terms of the measure intended to be proposed to the Imperial Parliament for the Reunion of the Canadas, and that Your Excellency will also cause to be transmitted to this House, a copy of the Bill introduced into the British House of Commons, at its last Session upon that subject, or such parts thereof as are intended to be recommended for the adoption of Her Majesty's Government.

ALLAN N. MACNAB,
Speaker.

Commons House of Assembly,
11th day of Dec'r, 1839.

Wednesday, December 17th, 1839.

His Excellency the Governor General sent down, in answer to the foregoing Address, the following :—

MESSAGE.

CHARLES POULETT THOMSON.

In answer to the Address of the House of Assembly, of the 11th instant, the Governor General has to state, that by his Message to both Houses of the Provincial Legislature, he has already explained the principles upon which Her Majesty's Government desire to effect the Re-union of this Province with Lower Canada, and the terms upon which it can, in his opinion, be established.

In accordance with the wish of the House of Assembly, the Governor General transmits a copy of the Bill introduced into Parliament last Session by Her Majesty's Government, and which was afterwards withdrawn; but he must at the same time state to the House of Assembly, that as one of the principal objects of his Mission was to procure information upon which to enable Her Majesty's Government to submit a new measure to Parliament, better calculated to effect the object of good Government in these Provinces, this Bill cannot be considered as embodying the provisions which may hereafter be adopted.

It will be the duty of the Governor General, acting upon the information which he shall have acquired, to make many important suggestions for that purpose in conformity to the principles and terms laid down in his Message; and he is already prepared to state, that it is his intention to recommend to Her Majesty's Government, in the new measure which must be introduced, to adhere as much as possible to existing Territorial divisions for Electoral purposes, and to maintain the principle of the Constitutional Act of 1791, with regard to the tenure of seats in the Legislative Council.

If, as the Governor General confidently hopes, the House of Assembly should think proper to assent to the terms proposed by him in His Message, and should hereafter offer any recommendations upon matters connected with the measure, it will be his duty to transmit them for the consideration of the Government and of the Imperial Parliament; and he begs to assure the House of Assembly, that they will receive the most respectful attention.

Toronto, 17th December, 1839.

Ordered—That the Message of His Excellency the Governor General, transmitting a copy of the Bill for uniting the Canadas, introduced into the Imperial Parliament last Session, be referred to the Committee of the whole on the subject of the Union.

Thursday, 19th December, 1839.

The Committee of whole on the Messages of His Excellency the Governor General, on the subject of Re-union of the Provinces, reported several resolutions.

The first Resolution was put as follows:—

Resolved, That the House of Assembly at its last Session, declared that in

their opinion a united Legislature for the Canadas, on certain terms, was indispensable, and that further delay must prove ruinous to their best interests, and that His Excellency the Governor General by his Message to this House has announced that with a view to remove the difficulties of these Provinces—to relieve the financial embarrassments of Upper Canada—to enable her to complete her public works, and develope her Agricultural capabilities—to restore Constitutional Government to Lower Canada—to establish a firm, impartial, and vigorous Government for both—and to unite the people within them in one common feeling of attachment to British Institutions and British connexion—the Legislative Union of Upper and Lower Canada has been recommended by Her Majesty to the Imperial Parliament; and His Excellency the Governor General has invited the assent of this House to certain specified terms upon which the Union may be established. It therefore becomes the duty of the Representatives of the people of this Province carefully to consider the provisions by which this measure may be carried into effect with the greatest security to their future peace, welfare, and good government, and the permanent connexion of these Colonies with the British Empire.

In amendment, Mr. Robinson, seconded by Mr. Murney, moves that all after the word "Resolved" be expunged, and the following inserted: "That "while this House feels truly grateful to Her Majesty for causing the subject of "the Re-union of Upper and Lower Canada to be submitted to the Representa- "tives of Her Majesty's loyal subjects in this Province, for their consideration, "before finally adopting a measure calculated so materially to change their social "and political situation—it cannot, after mature deliberation, give its sanction "to any proposition, having for its object the Re-union of these Provinces, which "they humbly submit, will, if carried into effect, have no other result than to "render the difficulties in Lower Canada in a short time more formidable, while "it would endanger the security and advantages which Upper Canada has hither- "to enjoyed."

Division on Mr. Robinson's amendment.

YEAS.—Messrs. *Attorney General, Boulton, Caldwell, Cartwright, Elliott, Gamble, Jarvis, McCrae, Murney, Robinson.*—10.

NAYS.—Messrs. *Aikman, Armstrong, Bockus, Burritt, Burwell, Chisholm* of Halton, *Chisholm* of Glengarry, *Cook, Detlor, Duncombe, Dunlop, Ferrie, Gowan, Hotham, Hunter, Kearnes, Lewis, Malloch, Manahan, Marks, McCargar, McDonell* of Glengarry, *McDonell* of Northumberland, *McDonell* of Stormont, *McIntosh, McKay, McLean, McMicking, Merritt, Moore, Morris, Parke, Powell, Richardson, Ruttan, Rykert, Shade, Shaver, Sherwood, Solicitor General, Small, Thomson, Thorburn, Wickins, Woodruff.*—45.

Mr. Robinson's amendment lost—majority 35.

In amendment to the original question, Mr. Cartwright, seconded by Mr. Boulton, moves that after the word "Resolved" in the original, the whole be expunged and the following inserted: "That His Excellency the Governor General, in His Message to this Hou[illegible] transmitted on the 7th Instant, has de-

clared "That it was with great satisfaction Her Majesty's Government had "learnt that upon the question of the Union itself, the House of Assembly had "pronounced their decided judgment during the last Session," this House feels it due to the wishes of their constituents—the best interests of the Province, and its connexion with the Parent State, to protest against any other construction being put upon the Resolutions of this House respecting the Union, other than a decided opposition to that measure, except upon the conditions which are set forth in those resolutions of the 27th March last, which this House, in its deliberate and mature consideration, feels it its duty to assent, to be essential and indispensable.

Division on Mr. Cartwright's amendment.

YEAS.—Messrs. *Armstrong*, *Bockus*, *Boulton*, *Burritt*, *Burwell*, *Cartwright*, *Detlor*, *Elliott*, *Gamble*, *Gowan*, *Jarvis*, *McCrae*, *McDonell* of Northumberland, *McLean*, *Murney*, *Richardson*, *Ruttan*, *Rykert*, *Shade*, *Sherwood*, *Thomson*.—21.

NAYS.—Messrs. *Aikman*, *Attorney General*, *Caldwell*, *Chisholm*, of Halton, *Chisholm*, of Glengarry, *Cook*, *Duncombe*, *Dunlop*, *Ferrie*, *Hotham*, *Hunter*, *Kearnes*, *Lewis*, *Malloch*, *Manahan*, *Marks*, *McCargar*, *McDonell*, of Glengarry, *McDonell*, of Stormont, *McIntosh*, *McKay*, *McMicking*, *Merritt*, *Moore*, *Morris*, *Parke*, *Powell*, *Robinson*, *Shaver*, *Solicitor General*, *Small*, *Thorburn*, *Wickins*, *Woodruff*.—34

Mr. Cartwright's amendment lost—majority 13.

Division on the original question, (first Resolution.)

YEAS.—Messrs. *Aikman*, *Attorney General*, *Bockus*, *Burritt*, *Burwell*, *Cartwright*, *Chisholm*, of Halton, *Chisholm*, of Glengarry, *Cook*, *Detlor*, *Duncombe*, *Dunlop*, *Ferrie*, *Gamble*, *Gowan*, *Hotham*, *Hunter*, *Kearnes*, *Lewis*, *Malloch*, *Manahan*, *Marks*, *McCargar*, *McDonell*, of Glengarry, *McDonell*, of Northumberland, *McDonell*, of Stormont, *McKay*, *McLean*, *McMicking*, *Merritt*, *Moore*, *Morris*, *Murney*, *Parke*, *Powell*, *Richardson*, *Ruttan*, *Rykert*, *Shade*, *Shaver*, *Sherwood*, *Solicitor General*, *Small*, *Thomson*, *Thorburn*, *Wickins*, *Woodruff*.—47.

NAYS.—Messrs. *Boulton*, *Caldwell*, *Elliott*, *Jarvis*, *McIntosh*, *Robinson*—6.

Frst Resolution carried—majority 41.

The second Resolution was read as follows:—

Resolved, That this House concur in the proposition that there be an equal representation of each Province in the United Legislature.

In amendment Mr. Sherwood, seconded by Mr. Rykert, moves that after the word "Resolved," the whole be expunged, and the following inserted:—"That this House cannot concur in the proposition, that there be an equal representation of each Province, but are of opinion that the number of Members to be returned to serve in the House of Assembly of the United Legislature be as follows:—

From Lower Canada fifty Members.

From Upper Canada, as at present."

Division on Mr. Sherwood's amendment.

YEAS.—Messrs. *Armstrong*, *Boulton*, *Burritt*, *Burwell*, *Cartwright*, *Elliott*, *Hunter*, *Jarvis*, *McCrae*, *McDonell*, of Northumberland, *McLean*, *Murney*, *Richardson*, *Ruttan*, *Rykert*, *Shade*, *Sherwood*, *Thomson*, *Wickens*.—19.

NAYS.—Messrs. *Aikman*, *Attorney General*, *Bockus*, *Caldwell*, *Chisholm*, of Halton, *Chisholm*, of Glengarry, *Cook*, *Detlor*, *Duncombe*, *Dunlop*, *Ferrie*, *Gamble*, *Gowan*, *Hotham*, *Kearnes*, *Lewis*, *Malloch*, *Manahan*, *Marks*, *McCargar*, *McDonell*, of Glengarry, *McDonell*, of Stormont, *McIntosh*, *McKay*, *McMicking*, *Merritt*, *Moore*, *Morris*, *Parke*, *Powell*, *Robinson*, *Shaver*, *Solicitor General*, *Small*, *Thorburn*, *Woodruff*—36.

Mr. Sherwood's amendment lost, majority 17.

In Amendment to the original question—Mr. Gowan, seconded by Mr. Jarvis, moves, that after the word "Resolved" in the original, the whole be expunged, and the following inserted:—That upon a matter of such great importance as a Legislative Union of this Province with Lower Canada, this House is unwilling to assume the responsibility of assenting to a measure, involving so many important considerations without a further manifestation of the public will than has yet been declared, and the House considering that, before assenting to any measure that might involve the liberties of the people, and deprive them of their Constitutional Charter, it would be but an act of proper courtesy and respect to the intelligence and loyalty of the people of Upper Canada, to appeal directly to them upon the question, that therefore, an humble address be presented to His Excellency the Governor General, praying that His Excellency may be graciously pleased to exercise the Royal Prerogative, by dissolving this present Parliament.

Division on Mr. Gowan's Amendment.

YEAS.—Messrs. *Armstrong*, *Detlor*, *Gamble*, *Gowan*, *Jarvis*, *McCrae*, *McDonell*, of Stormont, *McIntosh*, *Rykert*, *Thomson*—10.

NAYS.—Messrs. *Aikman*, *Attorney General*, *Bockus*, *Boulton*, *Burritt*, *Burwell*, *Caldwell*, *Cartwright*, *Chisholm*, of Halton, *Chisholm*, of Glengarry, *Cook*, *Duncombe*, *Dunlop*, *Elliott*, *Ferrie*, *Hotham*, *Hunter*, *Kearnes*, *Lewis*, *Malloch*, *Manahan*, *Marks*, *McCargar*, *McDonell*, of Glengarry, *McDonell*, of Northumberland, *McKay*, *McLean*, *McMicking*, *Merritt*, *Moore*, *Morris*, *Murney*, *Parke*, *Powell*, *Richardson*, *Robinson*, *Ruttan*, *Shade*, *Shaver*, *Sherwood*, *Solicitor General*, *Small*, *Thorburn*, *Wickins*, *Woodruff*—45.

Mr. Gowan's amendment lost—majority 35.

Division on the original question.

YEAS.—Messrs. *Aikman*, *Attorney General*, *Bockus*, *Chisholm*, of Halton,

Chisholm, of Glengarry, *Cook*, *Detlor*, *Duncombe*, *Dunlop*, *Ferrie*, *Hotham*, *Kearnes*, *Lewis*, *Malloch*, *Manahan*, *Marks*, *McCargar*, *McDonell*, of Glengarry, *McDonell*, of Stormont, *McIntosh*, *McKay*, *McMicking*, *Merritt*, *Moore*, *Morris*, *Parke*, *Powell*, *Shaver*, *Solicitor General*, *Small*, *Thorburn*, *Wickens*, *Woodruff* —33.

NAYS.—Messrs. *Armstrong*, *Boulton*, *Burritt*, *Burwell*, *Caldwell*, *Cartwright*, *Elliott*, *Gamble*, *Hunter*, *Jarvis*, *McDonell*, of Northumberland, *McLean*, *Murney*, *Richardson*, *Robinson*, *Ruttan*, *Rykert*, *Shade*, *Sherwood*, *Thomson*—20.

The second Resolution carried—majority 13.

The third Resolution was put as follows:

Resolved, That this House concur in the proposition that a sufficient Civil List be granted to Her Majesty for securing the independence of the Judges, and to the Executive Government that freedom of action which is necessary for the public good. The Grant for the person administering the Government, and for the Judges of the several Superior Courts to be permanent, and for the Officers conducting the other departments of the public service, to be for the life of the Sovereign, and for a period of not less than ten years.

Division on third Resolution.

YEAS.—Messrs. *Aikman*, *Armstrong*, *Attorney General*, *Bockus*, *Burritt*, *Burwell*, *Chisholm*, of Halton, *Chisholm*, of Glengarry, *Cook*, *Duncombe*, *Dunlop*, *Elliott*, *Ferrie*, *Hotham*, *Hunter*, *Jarvis Kearnes*, *Lewis Malloch*, *Manahan*, *McCargar*, *McDonell*, of Glengarry, *McDonell*, of Northumberland, *McDonell*, of Stormont, *McKay*, *McLean*, *McMicking*, *Merritt*, *Moore*, *Morris*, *Murney*, *Parke*, *Powell*, *Ruttan*, *Rykert*, *Shade*, *Shaver*, *Solicitor General*, *Small*, *Thomson*, *Thorburn*, *Wickins*, *Woodruff*—43.

NAYS.—Messrs. *Boulton*, *Caldwell*, *Cartwright*, *Detlor*, *Gamble*, *McIntosh*, *Robinson*, *Sherwood*—8.

The third Resolution carried—majority 35.

The fourth Resolution was put and carried, as follows:—

Resolved, That the public debt of this Province, shall, after the Union, be charged on the Joint Revenue of the united Province.

Friday, 20th December, 1839.

Mr. Solicitor General, seconded by Mr. Malloch, moves that an humble address be presented to His Excellency The Right Honorable The Governor-General, transmitting to His Excellency the Resolutions of the House on the subject of an Union of the Provinces of Upper and Lower Canada, and that Messrs. Merritt and McKay be a Committee to draft and present the

In amendment, Mr. Cartwright, seconded by Mr. Bockus, moves that after the words "Lower Canada" in the original motion, the following be added "and that the said Committee be instructed to embody in such address the following Resolution :

"*Resolved.*—That this House having thus far concurred in the proposition of Her Majesty's Government are bound, by a sense of justice and duty to their constituents and the Province at large, to declare further, what provisions they consider as essentially necessary to obtain from the Union those results which alone can justify its adoption, and in the expectation of which this House alone consents to the measure. That in order to secure to the deliberations of the United Legislature all possible freedom from the influence of origin and institutions derived from a foreign country, and of the associations arising from the deplorable events which have happened within the last two years in the Sister Province, the seat of Government should be fixed at some place in Upper Canada—and that English alone should be the language of the United Legislature, as this provision will in the opinion of this House be found an indispensable auxiliary to the amalgamation of the people and to the gradual assimilation of the institutions of Upper and Lower Canada,—and that this House desire to recommend to the consideration of Her Majesty's Government the propriety of introducing into any law for uniting these Provinces, a clause requiring a real property qualification for Members of the House of Assembly, and that saving such exceptions as the foregoing resolutions may render necessary, this House desires to see the principles of the Constitution of 1791 maintained and preserved inviolate, and they rejoice to perceive that among the principles recognized by Her Majesty's Ministers as forming the basis of the Union, is to be found "the maintenance of the three estates of the Provincial Legislature," by which this House clearly understand—that the constitutional prerogative of the Crown will be upheld—that the principles on which the Legislative Council was created will not be departed from, and that the rights and liberties of the people and the privileges of their Representatives will be guarded and sacredly preserved."

Division on Mr. Cartwright's amendment.

YEAS.—Messrs. *Bockus*, *Boulton*, *Burritt*, *Burwell*, *Cartwright*, *Detlor*, *Elliott*, *Hunter*, *Lewis*, *Malloch*, *McCrae*, *McDonell*, Northumberland, *McLean*, *Murney*, *Richardson*, *Ruttan*, *Rykert*, *Shade*, *Sherwood*, *Solicitor General*, *Thomson*—21.

NAYS.—Messrs. *Attorney General*, *Caldwell*, *Chisholm*, Halton, *Chisholm*, Glengarry, *Cook*, *Duncombe*, *Dunlop*, *Ferrie*, *Gowan*, *Hotham*, *Kearnes*, *Manahan*, *Marks*, *McCargar*, *McDonell*, Glengarry, *McDonell*, Stormont, *McIntosh*, *McKay*, *McMicking*, *Merritt*, *Morris*, *Parke*, *Powell*, *Robinson*, *Shaver*, *Small*, *Thorburn*, *Wickens*, *Woodruff*.—29.

Mr. Cartwright's amendment lost—majority 8.

In amendment, Mr. Bockus, seconded by Mr. Murney, moves that all after the word "moves" in the original, be expunged, and the following inserted—"that it be resolved that this House did on the 27th day of March, 1839, adopt the following resolutions by large majorities."

"*Resolved*—That in reference to the Resolutions of this House on the subject of a Legislative Union of the Provinces of Upper and Lower Canada, this House is distinctly opposed to that measure, unless the conditions as embodied in the following Resolutions be fully carried out in any act to be passed by the Imperial Legislature for that purpose;"

1st. "*Resolved*—That in the event of the Union of the Provinces of Upper and Lower Canada, the Seat of Government should be within the present boundary of Upper Canada."

2d. "*Resolved*—That that portion of Lower Canada laying East of the Madawaska, and South of the St. Lawrence, consisting of the Counties of Gaspè, Bonaventure, and Rimouski, be attached to the Province of New Brunswick."

3rd. "*Resolved*—That a proper qualification for Members of the Legislative Council and House of Assembly be fixed upon by the Act of Union."

4th. "*Resolved*—That the Act of Union not to make void any of the appointments of the present Legislative Council, in full confidence that fufure appointments will be made in such manner, from the different Districts, as best to secure the commercial, agricultural, and general interests of the Province."

5th. "*Resolved*,—That the number of Members to be returned to serve in the House of Assembly be as follows:—

From Lower Canada—50 Members.

From Upper Canada as at present.

That the Elective Franchise in Counties be confined to those who hold their lands in free and common soccage from and after a time to be settled by the Imperial Parliament, not later than the year 1845, and that it be strongly urged on the Imperial Parliament to pass immediate measures for facilitating the change of tenure in Lower Canada, so as to extend to them the exercise of the Elective Franchise with as little delay as possible."

6th. "*Resolved*,—That a new division of Lower Canada into counties be made by the Governor and Council of that Province so as to provide for the Election of such number of members as, together with the members from cities and towns, make up the number to be returned from Lower Canada."

7th. "*Resolved*,—That the English language be spoken and used in the Legislature, Courts of Justice, and in all other Public Proceedings."

8th. "*Resolved*,—That Courts of Appeal and Impeachment be established within the United Province."

9th. "*Resolved*,—That the Surplus Revenue of the Post Office, together with the Casual and Territorial, and every other branch of Revenue, be placed under the control of the Legislature."

10th. "*Resolved*,—That, until otherwise provided for by the Joint Legislature, the Courts and Laws to remain as at present."

11th. "*Resolved*,—That the Debt of both Provinces shall be chargeable on the Revenue of the United Province."

12th. "*Resolved*,—That the Local Legislature have power to originate Duties, or reduce them from time to time, as they may deem necessary and advisable, subject however to restrictions similar to those of 42nd Section of 31st Geo. III., chap. 31, respecting certain Local Acts."

13th. "*Resolved*,—That with the above exceptions, the principles of our Constitution as contained in 31 Geo. III., chap. 31, remain inviolate."

14th. "*Resolved*,—That there be two Commissioners appointed to proceed to England on the part of this House, and that Sir Allan N. McNab, Speaker of this House, and William Hamilton Merritt, Esquire, M. P. for the County of Haldimand, be the said Commissioners."

That His Excellency the Governor General by his Message of the 7th of December instant, informed this House as follows :—

"After the most attentive and anxious consideration of the state of these "Provinces and of the difficulties under which they respectively labour, Her "Majesty's advisers came to the conclusion, that by their Re-union alone could "those difficulties be removed; during the last Session of the Imperial Legis- "lature they indeed refrained from pressing immediate legislation; but their "hesitation proceeded from no doubt as to the principle of the measure or its "necessity. It arose solely from their desire to ascertain more fully the "opinions of the Legislature of Upper Canada, and to collect information from "which the details might be rendered more satisfactory to the people of both "Provinces." And this House having, after much discussion, abandoned the above recited conditions, and, as the Resolutions adopted by this House do not contain, "information from which the details might be rendered more sa- "tisfactory to the people of both Provinces."

Be it therefore further Resolved, That the people of this Province have a just right to an opportunity of expressing their opinions on this momentous question by Petition to this House, and as the annual township meetings will be held in the several townships of this Province, on the first Monday, in the month of January next, it is expedient to postpone the further consideration of the Question of the Re-union of these Provinces until Monday the 13th day of January next.

Division on Mr. Bockus' amendment :—

YEAS—Messrs. *Bockus*, *Boulton*, *Burwell*, *Cartwright*, *Detlor*, *Elliott*, *Gowan*, *McCrae*, *McLean*, *Murney*, *Rykert*, *Thomson*—12.

NAYS—Messrs. *Attorney General*, *Burritt*, *Chisholm*, of Halton, *Chisholm*, of Glengarry, *Cook*, *Duncombe*, *Dunlop*, *Ferrie*, *Hunter*, *Jarvis*, *Kearnes*, *Lewis*,

Malloch, Manahan, Marks, McCargar, McDonell, of Glengarry, *McDonell,* of Stormont, *McIntosh, McKay, McMicking, Merritt, Moore, Morris, Parke, Powell, Richardson, Robinson, Ruttan, Shade, Shaver, Sherwood, Small, Solicitor General, Thorburn, Wickens, Woodruff*—37.

Mr. Bockus' amendment lost—Majority 25.

In amendment, Mr. Cartwright, seconded by Mr. Detlor, moves that after the word "Canada" in the original motion the following be added, and that the said Committee be instructed to embody in the said Address the following words:—

"That saving such alterations as the said Resolutions may render necessary, the principles of the Constitution as contained in the Act 31, Geo. 3, chap. 31, may be preserved inviolate.

Division on Mr. Cartwright's amendment:—

YEAS—Messrs. *Attorney General, Bockus, Boulton, Burritt, Burwell, Caldwell, Cartwright, Detlor, Elliott, Gamble, Gowan, Hunter, Jarvis, Malloch, McCrae, McDonell,* of Northumberland, *McLean, Murney, Richardson, Robinson, Rykert, Shade, Sherwood, Solicitor General, Thomson*—25.

NAYS—Messrs. *Chisholm,* of Halton, *Chisholm,* of Glengarry, *Cook, Duncombe, Dunlop, Ferrie, Hotham, Kearnes, Lewis, Manahan, Marks, McCargar, McDonell,* of Glengarry, *McDonell,* of Stormont, *McIntosh, McKay, McMicking, Merritt, Moore, Morris, Parke, Powell, Ruttan, Shaver, Small, Thorburn, Wickens, Woodruff*—28.

Mr. Cartwright's amendment lost—Majority, 3.

Division on the original question:—

YEAS—Messrs. *Attorney General, Chisholm,* of Halton, *Chisholm,* of Glengarry, *Cook, Duncombe, Dunlop, Ferrie, Hotham, Hunter, Kearnes, Lewis, Malloch, Manahan, Marks, McCargar, McDonell,* of Glengarry, *McDonell,* of Northumberland, *McDonell,* of Stormont, *McIntosh, McKay, McMicking, Merritt, Moore, Morris, Parke, Powell, Ruttan, Shaver, Small, Solicitor General, Thorburn, Wickens, Woodruff*—33.

NAYS—Messrs. *Bockus, Boulton, Burritt, Burwell, Caldwell, Cartwright, Detlor, Elliott, Gamble, Gowan, Jarvis, McCrae, McLean, Murney, Richardson, Robinson, Rykert, Shade, Sherwood, Thomson*—20.

Address ordered—Majority 13.

Saturday, 21st December, 1839.

Mr. McKay from the Committee to draft the Address to His Excellency the Governor General to accompany the resolution of this House on the sub-

ject of the Union of Upper and Lower Canada, reported a draft which was received and read.

On motion of Mr. Solicitor General, seconded by Mr. Shaver, the address was read the second time forthwith, and having passed through committee was adopted.

On motion of Mr. Solicitor General, seconded by Mr. Shaver, that the address be read a third time forthwith.

YEAS.—Messrs. *Attorney General*, *Chisholm*, Halton, *Chisholm*, Glengarry, *Cook*, *Duncombe*, *Dunlop*, *Ferrie*, *Gowan*, *Kearnes*, *Lewis*, *Malloch*, *Manahan*, *McCarger*, *McDonell*, Glengarry, *McDonell*, Northumberland, *McDonell*, Stormont, *McKay*, *McMicking*, *Merritt*, *Moore*, *Morris*, *Parke*, *Powell*, *Ruttan*, *Shaver*, *Small*, *Solicitor General*, *Thorburn*, *Woodruff*.—29.

NAYS.—Messrs. *Armstrong*, *Bockus*, *Boulton*, *Burwell*, *Caldwell*, *Cartwright*, *Detlor*, *Elliott*, *Gamble*, *McCrae*, *McLean*. *Murney*, *Richardson*, *Robinson*, *Rykert*, *Shade*, *Thomson*.—17.

For third reading of address, majority 12.

The address was passed and is as follows.

To His Excellency The Right Honorable Charles Poulett Thomson, one of Her Majesty's Most Honorable Privy Council, Governor-General of British North America, and Captain General and Governor-in Chief in and over the Provinces of Lower Canada and Upper Canada, Nova Scotia, New Brunswick and the Island of Prince Edward, and Vice Admiral of the same.

May it Please Your Excellency:

We, Her Majesty's dutiful and loyal subjects, the Commons of Upper Canada, in Provincial Parliament assembled, beg to transmit to Your Excellency certain resolutions which we have adopted in reference to the Message of Your Excellency on the subject of the Union of these Provinces.

ALLAN N. MACNAB.

Speaker.

House of Assembly,
21st Dec., 1839.

Messrs. Solicitor General and McKay were ordered by the Speaker to carry up the address to His Excellency.

Mr. Bockus, seconded by Mr. McLean, moves that two thousand copies of the several resolutions on the subject of the Union of the Provinces of Upper and Lower Canada, with the amendments moved thereto, and the Address thereon, with the Yeas and Nays, be printed for the use of Members.

In amendment, Mr. Parke, seconded by Mr. Small, moves that all after the word "Resolved" be expunged, and the following inserted: That it is not expedient to print these documents, until the Governor General's answer thereto is received by this House, that it may be printed at the same time.

Division on the amendment.

YEAS.—Messrs. *Chisholm*, Glengarry, *Cook*, *Duncombe*, *Dunlop*, *Hotham*, *Kearnes*, *Lewis*, *Malloch*, *Manahan*, *McCarger*, *McDonell*, Glengarry, *McDonell*, Stormont, *McKay*, *McMicking*, *Merritt*, *Moore*, *Morris*, *Parke*, *Shaver*, *Small*, *Thorburn*, *Woodruff*.—22.

NAYS.—Messrs. *Bockus*, *Boulton*, *Burwell*, *Cartwright*, *Detlor*, *Elliott*, *Gamble*, *Gowan*, *McDonell*, Northumberland, *McLean*, *Richardson*, *Robinson*, *Ruttan*, *Shade*, *Sherwood*.—15.

Amendment carried, majority seven.

Monday, 23rd December, 1839.

Mr. Solicitor General reported the answer of His Excellency the Governor General to the Address transmitting the Resolutions on the subject of the Union of the Provinces of Upper and Lower Canada.

The answer of His Excellency was read as follows:—

Gentlemen,

It affords me the most sincere satisfaction to find, that after a careful deliberation on the propositions suggested by me for the Re-union of this Province with Lower Canada, those propositions have received your assent. I shall take the earliest opportunity of transmitting your Resolutions to Her Majesty's Government with a view to their being laid before the Imperial Legislature.

The generous confidence which you have reposed in Her Majesty's Government and Parliament, respecting the Civil List and the details of the measure of re-union, will be duly appreciated; and it will be the anxious endeavour of Her Majesty's advisers, in all their proceedings upon this important subject, to justify that confidence, and promote the permanent well being of the people of Upper Canada.

For myself personally, I beg you to accept my thanks for the diligence and attention which you have devoted to the communications which it has been my

duty to make to you. If, as I feel confident, the Union should be productive of the advantages to this Province which I anticipate from it, it will hereafter be my greatest pride to have co-operated with you in that measure.

Mr. Gamble, seconded by Mr. Cartwright, moves that Five Thousand Copies of the Messages of His Excellency the Governor General, and the several resolutions on the subject of the Union of the Provinces of Upper and Lower Canada, with the amendments moved thereto and the Address thereon, with the Yeas and Nays, together with the answer of His Excellency the Governor General to the same, be printed for the use of Members.

On which the Yeas and Nays were taken as follows :—

YEAS.—Messrs. *Armstrong*, *Burritt*, *Burwell*, *Cartwright*, *Chisholm*, Glengarry, *Cook*, *Detlor*, *Dunlop*, *Elliott*, *Gamble*, *Gowan*, *Jarvis*, *Kearnes*, *Lewis*, *Malloch*, *McCarger*, *McCrae*, *McDonell*, Glengarry, *McDonell*, Stormont, *McKay*, *McLean*, *McMicking*, *Morris*, *Parke*, *Powell*, *Richardson*, *Shaver*, *Sherwood*, *Solicitor-General*, *Thomson*, *Thorburn*, *Woodruff*.—32.

NAYS.—Messrs. *Hunter*, *Manahan*.—2.

The question was carried by a majority of Thirty, and ordered accordingly.